United States District Court
Southern District of Texas
FILED

MAR 0 7 2017

David J. Bradley, Clerk

UNITED STAT ES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
McALLEN DIVISION

UNITED STATES OF AMERICA	§	
	§	
v.	§	Criminal No. M-17-0008
	§	
JUAN DE DIOS LUGO-SERNA	§	

NOTICE OF PLEA AGREEMENT

COMES NOW the United States of America, hereinafter referred to as "the Government," by and through its United States Attorney for the Southern District of Texas and its Assistant United States Attorney assigned to this matter, and would respectfully show the Court that the Government and the Defendant have entered into the following plea agreement:

1. Defendant agrees:

   a. to plead guilty to Count 2 and 4 of the Indictment; and

   b. to waive any and all interest in the asset(s) listed in the Notice of Forfeiture and to the judicial or administrative forfeiture of any and all firearms, weapons, and ammunition, seized in connection with the case, including but not limited to a Smith & Wesson, 9mm caliber pistol and fifty-seven (57) rounds of 9mm caliber ammunition. Defendant agrees to waive any and all procedural notice requirements for forfeiture.

2. The Government will recommend:

   a. that the offense level decrease by 2 levels pursuant to U.S.S.G. § 3E1.1(a) if the defendant clearly demonstrates acceptance of responsibility; and

   b. that the defendant receive an additional 2 level downward departure pursuant to U.S.S.G. § 5K3.1 for early disposition as it relates to Count 2; and

   c. that the remaining count of the indictment be dismissed at the time of sentencing.

If the Defendant is not a citizen of the United States of America, a plea of guilty may result in removal from the United States, denial of citizenship and denial of admission to the United States in the future.

For the United States of America:

Kenneth Magidson
United States Attorney

Kristen J. Rees
Assistant United States Attorney

APPROVED BY:

James H. Sturgis
Assistant United States Attorney in Charge

This document states the complete and only Plea Agreement between the United States of America and the Defendant, and is binding only on the parties to this Agreement, and it supersedes all prior understandings, if any, whether written or oral, and cannot be modified other than in writing and signed by all parties or on the record in Court. No other promises or inducements have been or will be made to the Defendant in connection with this case, nor have any promises or threats been made in connection with this plea.

ACKNOWLEDGMENTS:

I have read this agreement and carefully reviewed every part of it with my attorney. If I have difficulty understanding the English language, I have had a person fluent in the Spanish language interpret this agreement to me.

Date: 3/7/2017 Defendant: [signature]

I am the Defendant's counsel. I have carefully reviewed every part of this agreement with the Defendant. I certify that this agreement has been translated to my client by a person fluent in the Spanish language if my client is unable to read or has difficulty understanding the English language.

Date: 3/7/2017 [signature]

Counsel for Defense